IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6854 OF 2005
IN
CRIMINAL APPEAL NO. 978 OF 2005

Hadis Ulla Mohammad Isa Khan & Ors ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. P.R. Arjunwadkar, Advocate for Applicants

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 28TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for State.

2. The applicants are seeking bail. The applicants have been convicted under Section 328 r.w. 34 of I.P.C. and sentenced to R.I. for five years.

3. It is stated by the learned advocate for the applicants that the applicants were on bail pending the trial and this liberty has not been misused by them. This statement has not been controverted by the prosecution.

4. It is the prosecution case that some eatable stuff containing insecticides were given to P.W.1 Nakim. Mr. Arjunwadkar, the learned advocate for applicants has submitted that, there is nothing to show that there was any insecticides or poisonous substance in the said food stuff. Moreover, I have noticed that there is no material to show as to how many days P.W.1 Nakim was in the hospital nor is there any material to show that he suffered any serious ailment on account of the said foodstuff. In this view of matter, I am inclined to grant bail to applicants.

5. Each of the applicants i.e. (1) Hadis Ulla Mohammad Isa Khan and (2) Ibrahim Sarif Kazi to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. During the pendency of appeal, applicants shall report on first Sunday of every month to Thane Nagar police station.

6. Application is disposed of.

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